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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,
9
10 v.
11 HARRY W. NETTLETON, IV.,
12 Defendant.

Case No. CR08-67-RAJ

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

13 I conducted a hearing on alleged violations of supervised release in this case on August 22,
14 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was
15 represented by Susan Roe, and defendant was represented by Lynn Hartfield. Also present was
16 U.S. Probation Officer Tracey Cowen. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

18 Defendant was sentenced on February 6, 2009, by the Honorable Richard A. Jones for Felon
19 in Possession of a Firearm. He received 37 months of detention and 3 years of supervised
20 release.

21 On February 14, 2011, the Court issued a warrant for Mr. Nettleton's arrest based on
22 violations of supervised release. On May 13, 2011, the offender was received into federal
23 custody and admitted violating the conditions of supervision by failing to report or drug testing,

1 consuming cocaine, and failing to notify his probation officer of his change of residence and
2 employment. On May 26, 2011, Mr. Nettleton's term of supervision was revoked and he was
3 sentenced to time served with a release date of May 27, 2011. The Court imposed a 35 month
4 term of supervision.

5 PRESENTLY ALLEGED VIOLATIONS

6 In a petition dated June 27, 2011, U.S. Probation Officer Calvin K. Bouma, Jr., alleged that
7 defendant violated the following conditions of supervised release:

8 1. Failing to participate in a program approved by the probation office for treatment of
9 narcotic addiction, drug dependency, or substance abuse, on or about 6/25/2011, as instructed by
10 the U.S. Probation Officer, in violation of the special condition requiring him to do so.

11 2. Failing to notify the probation officer of a change in residence on or about
12 6/25/2011, in violation of the standard condition requiring him to notify the probation officer at
13 least 10 days prior to any change in residence or employment.

14 FINDINGS FOLLOWING EVIDENTIARY HEARING

15 Defendant admitted the above violations, waived any hearing as to whether they occurred,
16 and was informed the matter would be set for a disposition hearing on October 14, 2011 at 11:00
17 a.m., before District Judge Richard A. Jones.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 22nd day of August, 2011.

22 

23 BRIAN A. TSUCHIDA
United States Magistrate Judge